SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
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CONSTITUTION OF SIKKIM STATE PHARMACEUTICAL PRICE MONITORING AND RESOURCE UNIT

1. Name of the Society:-

The name of the Society shall be "Sikkim State Pharmaceutical Price Monitoring and Resource Unit" herein after referred to as "Society".

2. Registered Office: -

The Registered Office of the Society shall be at Tadong, Gangtok, Sikkim.

3. Address: -

Health Annex Secretariat, Department of Health & Family Welfare, Government of Sikkim, Convoy Ground, Tadong, Distt. Gangtok, Sikkim - 737102.

4. Short title, extent and commencement: -

The name of the Society shall be "Sikkim State Pharmaceutical Price Monitoring and Resource Unit". It shall extend to the whole State of Sikkim. They shall come into force from the date of Registration of this Society.

5. Definitions: -

In these rules unless the subject or context otherwise requires:

a. Act means the Sikkim Regulation of Societies, Associations and other Voluntary Organisation Act, 2008.

b. Executive Committee means "The Executive Committee of the Society".

c. Governing Body means "The Governing Body of the Society".

d. Government means "Government of Sikkim".

e. Society means "Sikkim State Pharmaceutical Price Monitoring and Resource Unit".

6. Authorization of the Society: -

The authorities of the society shall be:

a. The Governing Body.

b. The Executive Committee.

c. Such other authorities as may be constituted by the Governing Body.

7. Governing Body: -

The Apex body of the society is the Governing Body. The Governing Body shall consist of Six (06) members from various bodies-representatives from Central Government, State Government of Sikkim and from the Association of manufacturers / marketers / traders / consumers etc.

The Governing Body of the society shall initially consist of the following members, namely:-

1. Commissioner-cum-Secretary, Health & Family Welfare Department, Government of Sikkim - Chairman.

2. State Drugs Controller, Sikkim - Member Secretary.

3. Director (M&E), National Pharmaceutical Pricing Authority, Government of India - Member.

4. Director, Food & Drugs Administration, Health & Family Welfare Department, Government of Sikkim - Member.

5. Joint Director, Central Health Store Organisation, Health & Family Welfare Department, Government of Sikkim - Member.

6. Registrar, Sikkim State Pharmacy Council - Member.

7. Representative, Sikkim Pharmaceutical Manufacturers Association / Consumer Association - Member.

The Control or administration and management of the affairs of the Society shall vest within the Governing Body in accordance with the rules and regulations of the Society.

8. Rights, Powers and Duties of the Governing Body: -

a. All properties movable, immovable or of any other kind shall vest in the State Government at the time of dissolution of the Society.

b. The business and affairs of the Society shall be carried on and managed by the Governing Body.

c. The Governing Body shall have all such powers and shall perform all such functions as are necessary or proper for the achievement of and furtherance of the objectives of the Society.

d. Without prejudice to the generality of the foregoing provisions, the Governing Body shall have the following powers and rights: -

i. To prepare and execute detailed plans and proposals for the establishment and development of the society and for carrying on its administration and management.

ii. To receive grants-in-aid from National Pharmaceutical Pricing Authority, Government of India and Government of Sikkim.

iii. To approve expenditure proposals in order to achieve the objectives of the Society. Governing Body may also delegate the powers to Executive Committee or Member Secretary of Governing Body / Executive Committee as and when so required.

iv. To approve and recover fees and charges for the services rendered by the Society, to raise funds, as deemed fit and necessary for the purpose and objectives of the Society.

v. To approve and adopt and prepare annual reports, financial statements of accounts, financial estimate of the body, budget allotment and financial requirement of the society.

vi. To enter into agreement for and on behalf of the Society.

vii. To sue and to be sued and defend all legal proceedings for and on behalf of the Society.

viii. To make sign and execute all such documents and instruments as may be necessary for carrying on the management of the Society or affairs of the Society.

ix. To perform all such acts and do all such things as may be necessary for the proper management of the properties and affairs of the Society.

x. To appoint auditors to the Society.

xi. To make regulations for the management of the affairs of the Society whenever required.

xii. The Governing Body may delegate its specific rights, powers and duties and assign such functions and responsibilities as are considered necessary to the Executive Committee or Chairman or to the Member Secretary of the Executive body.

9. Meeting of the Governing Body: -

The Governing Body shall meet at least twice in a year.

a. **Special meetings:** The chairman or Member Secretary of the Society may convene special meetings of the Governing Body to consider any matter of special importance or urgency or on the written requisition of not less than 5 (Five) members of the Governing Body specifying the purpose for which the meeting is proposed to be called.

b. **Notice of the meetings:** Every meeting of the Governing body shall be convened by notice issued under the signature of the Secretary or any other officer of the Society so authorized in this behalf. Every notice calling for the meeting of the Governing Body shall be issued to every member not less than 10 (Ten) days before the day fixed for the meeting except in the case of special meetings where notice shall be issued5 (five) days before the day fixed for the meeting.

c. **Quorum:** One third of the membership shall constitute the quorum for any meeting of the Governing Body provided that if meeting is once adjourned for want of quorum a subsequent meeting called on the basis of the same agenda shall not be required for a quorum.

d. **Presiding Officer:** The Chairman or in his absence the Member Secretary of the Society shall ordinarily preside at all the meetings of the Governing Body. In the absence of the Chairman and Member Secretary, the members present shall choose one member from among themselves to preside over the meeting.

e. **Voting:** In case of difference of opinion among the members on any matter under discussion in a meeting the opinion of the majority present shall prevail. The voting will be by show of hands unless the meeting decides to take a secret ballot. In case of equal votes on a particular issue, the Chairman of the meeting shall have casting vote, in addition to his own vote.

10. The Executive Committee:-

There will be an Executive Committee of four (04) members for carrying out the functions of the society. It shall initially consist of:

1. State Drugs Controller, Sikkim - Chairman.

2. Director, Food & Drugs Administration, Health & Family Welfare Department, Government of Sikkim – Member.

3. Chief Accounts Officer, Health & Family Welfare Department, Government of Sikkim – Member.

4. State Licensing Authority, Food & Drugs Administration, Health & Family Welfare Department, Government of Sikkim - Member Secretary.

Note: In both the Governing Body and the Executive Committee Meetings, the Members may be represented by their nominees, with proper authorization.

11. Powers, Rights and Duties of the Executive Committee: -

Subject to the provisions of these rules and regulations the above committee shall have the following powers and functions:-

a. The Executive Committee shall be responsible to the Governing Body for the efficient running of the affairs of the Society.

b. To hire manpower on contract basis as per the Price Monitoring and Resource Unit Guidelines issued by the National Pharmaceutical Pricing Authority, Government of India and as amended from time to time.

c. To propose Bye-laws including amendments to existing bye-laws for consideration and adoption by the Governing Body.

d. To approve all the annual reports prepared by the Member Secretary and to be placed before the Governing Body for its adoption.

e. To approve all expenditure up to ₹ 5 (Five) lakhs for non-recurring and up to 1 (One) lakh for recurring expenses on each occasion.

f. Executive Committee can delegate any of its function to its Chairman or the Member Secretary.

12. Meeting of the Executive Committee:-

The Executive Committee shall ordinarily every month or more often if necessary. Three members of the committee including the Chairman/ Vice- Chairman shall constitute the quorum of the meeting. Approval of the Executive Committee can be obtained by circulation of proposal to its members.

13. Functions of the Office Bearers of Governing Body: -

The functions and powers of the office bearers shall be as follows:-

a. Chairman:

i. The Chairman shall, wherever present, preside over the Governing Body meetings.

ii. In case the votes for and against a particular issue are equal the Chairman shall have to exercise his/her casting vote in addition to his normal vote.

iii. The Chairman may direct the Member Secretary to call a special meeting at a short notice in case of emergency.

iv. The Chairman shall be the sole and absolute authority to judge the validity of the votes cast by members at all Governing Body meetings and Executive Committee meetings.

v. The Chairman through Member Secretary shall be overall responsible for appointment and discipline of staff.

vi. Any expenditure more than 50,000/- (Fifty Thousand) shall be approved by the Chairman.

b. Member Secretary:

i. The member Secretary shall be responsible for the day-to-day management of the affairs of the Society subject to the terms and conditions of the Governing Body. He shall be the Chief Executive of the Society.

ii. S/he shall be responsible for the management of the affairs of Society. He shall exercise control and discipline over the staff.

iii. To purchase articles and materials, including Drugs and Equipments needed for the Society and for carrying out activities to further the objectives of the Society up to the value of 50,000/- (Fifty Thousand) at a time and for more than 50,000/- (Fifty Thousand) with the approval of Chairman.

iv. S/he shall verify all bills and counter sign them before presenting them for payment. S/he shall maintain proper books and accounts for the funds received and expended by the Society.

v. S/he shall arrange for the audit of the accounts of the society by the auditors appointed by the Governing Body of the Society.

vi. S/he shall convene the meeting of the Governing Body, the Executive Committee, the annual General Body Meeting, the Extra-Ordinary General Body meeting etc. He shall prepare Agenda for the meeting for circulation to the concerned members. The approved minutes of the meeting shall be circulated by him.

vii. S/he shall sign all Deeds and Documents on behalf of the Society according to the directions of the Governing Body or the Executive Committee.

viii. S/he shall present the report of the Executive Committee and the Governing Body meetings of the Society.

ix. S/he shall sue and defend the Society in all legal proceedings.

x. Any document or proceedings requiring authentication by the Society shall be signed and sealed by the Member Secretary.

xi. The Member Secretary shall be responsible for the execution of all policies adopted in different meetings.

xii. Financial powers of the Member Secretary up to 50,000/- (Fifty Thousand) and for more than 50,000/- (Fifty Thousand) with the approval of Chairman:

a. To sanction expenditure or works as approved by Executive Committee.

b. The Member Secretary can incur any extra-ordinary expenditure subject to ratification of the Executive Committee or the Governing Body, as the case may be, within 1(One) month of such expenditure.

xiii. To do all such other lawful acts as may be necessary and be executed for the achievement of any or all the objectives of the Society.

14. Registration: -

The Memorandum duly signed by (7) Seven persons shall be presented before the Registering Authority and if he or she is satisfied that the same is in order, a Registration Certificate to that effect will be granted.

15. Records to be maintained by the Society: -

The society shall maintain the following records: -

i. Memorandum & Constitution and Registration Certificate.

ii. Minutes Book.

iii. Any other records needed as insisted by the Governing Body from time to time.

16. Funds of the Society: -

The funds of the Society will consist of the following: -

i. Grant-in-aid from the Government of India and Government of Sikkim.

17. Accounts of the Society: -

1. The funds of the society shall be deposited in one or more accounts opened with a nationalized bank. The account of the Society will be operated jointly by the Member Secretary and a Member from Finance Department.

2. The Executive Committee may at its discretion sanction a cash balance of up to 10,000/- (Ten Thousand only) which may be held by the Member Secretary of the Executive Committee to meet sundry expenses of the Society.

18. Financial Year: -

The accounting year for the society will be from 1st April to 31st March of the succeeding calendar year. The annual income and expenditure accounts and balance sheet of the Society shall be placed before the annual general body meeting within 5 (Five) months of the close of the accounting year, audited by the auditor appointed by the Governing Body.

19. Keeping of Accounts: -

The Executive Committee shall arrange for the proper maintenance of accounts with respect to:

1. All sums of money received and expended by Society and the matters in respect of which receipts and expenditures take place.

2. All sales and purchase of goods by the Society and,

3. The assets and liabilities of the Society.

20. Audit: -

An auditor shall be appointed as the auditor of the Society (at its annual Governing Body Meeting and he/she shall audit the accounts of the Society for the ensuing years). The auditor of the Society shall have access to the books of accounts and vouchers of the society and shall be entitled to require such information and explanation as he/she may think necessary for the performance of his/her duties as auditor.

21. Annual List of Executive Committee:-

Once in every year, a list of the office bearer and members of the Society shall be filed with the Registrar of the Society.

22. Legal Proceeding: -

The Society may sue or be sued in the name of the Member Secretary as per the provision laid down under Sikkim Regulation of Societies, Associations and other Voluntary Organisation Act, 2008.

23. Amendment of Memorandum & Constitution of Society:-

Any amendment in the provisions of the Memorandum & Constitution will be carried out in accordance with procedure laid down under Sikkim Regulation of Societies. Associations and other Voluntary Organisation Act, 2008.

24. Winding up or Dissolution: -

If the Society needs to be dissolved, it shall be dissolved as per provision laid down under Sikkim Regulation of Societies, Associations and other Voluntary Organisation Act, 2008 and the net amount remaining at the end shall belong to Government of Sikkim.

25. Miscellaneous: -

1. **Application of the Act:** All the provisions of Sikkim Regulation of Societies, Associations and other Voluntary Organisation Act, 2008, shall apply to this Society.

2. The income and funds of the Society shall be solely utilized towards the objectives of the Society and no portion of it shall be utilized for payment to the members of the Governing Body or Executive Committee by way of profit, interest, dividend etc.

3. The Society shall not carry on its activity with the intention of making profit.

4. The activities of the Society shall be carried out only in the State of Sikkim.

5. The society is irrevocable by the promoters.

6. The benefits of the Society are open to all irrespective of caste, religion, sex or other discriminatory factors.

26. We shall follow all the rules and regulation very strictly under Notification No. 2602A/H dated 25.3.1960 and other relevant Act and Laws.